31 Mukherjea O. Y-4,5 (ca. 1933-1939) 1962
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So as a chattel she belongs in her minority to her father, she is bought as such by her husband and when her coverture ceases on her husband's death, she reverts to her original owners. But if her father is dead and none of her original kinsmen kindly takes charge of her, she drifts as a piece of *res-nullius*, without any *locus standi* in the social life. 562

It is not strange, therefore, that having converted her into a piece of property, the tribal laws could not legally and logically bestow on her any rights to hold and own property, real or personal.

But as we have observed before, Santal tribal jurisprudence has changed and is still changing a great deal. In the domain of the ownership of personal properties, this improved position is the most perceptible. It is seen that now they can own money, cattle and goods. This ownership is completed legal right, for they have the power of disposing of these to whomsoever she pleases. She is not merely the trustee, as the Hindu widow is, with regard to her widow's estate. 562 177 178 422

It is frequently seen that when property is divided between the sons, a loving father will bestow on his daughter some heads of cattle or some pin-money, to be her personal property. Thus we find that the ornaments of the women are their own. They enjoy the fullest powers of disposal over them. But sometimes they are made to store family money. 428 562

Jt Mukherjea O. Y-4,5 (ca. 1933-1939) 1902
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562 422 [586] Here only cases are different. Should a wife be divorced without any fault of hers, the tribal customs now entitle her to a cow, some paddy and some utensils. These become her personal property. Similarly, the sheaf of paddy that Santal girls reap during the *Sohrae*, their harvest-festival, is stored by her as her personal property. She has the fullest ownership over the money she would get by selling such paddy. The widow without any sons also has her property, in case she is sent to her parent's family.

562 434 But the case of a woman working and earning money presents an interesting problem. Should she be entitled to the fruit of her labour legally? In solving this, a distinction is made between work done by a woman in excess of providing for her own food, and the work, say, of a daughter of the family, ordinarily. In the former case, she is permitted by customary law to save the earning she made, over and above that goes towards her food; but in the latter case, it will go generally to her parents or guardians.

562 423 So far we have discussed the rights of Santal women in regard to the acquisition of movable properties; but when we come to the question of immovable properties, we find the tribal laws are very apathetic towards her, for she has no rights of inheritance or occupancy of lands. The reason

3: Mukherjea O. Y-4, 5 (ca. 1933-1939) 1962
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562 423 428 606 fically arranged at the time of marriage by a public declaration, which has all the force of an oral will.

As a matter of fact, it is the daughter who inherits. The *ghardi jan*wane is the representative as tenant and owner of the woman in the eye of tribal law, who has no rights of inheritance recognised for her. This position will be still more clear when we remember that if the *ghardi jan*wane leaves his father-in-law's protection, his rights in his father-in-law's lands melt away for ever. And never has his own relatives any right to his so-called inheritance. The children of the marriage are the only beneficiaries. In case the *ghardi jan*wane's wife [671] dies, the tribal customs generally allow him a life-interest only, provided he does not remarry. This legal fiction was created by Santal customary law to provide lands for daughters; because, as women, they cannot perform certain social and religious duties which only men can perform.

562 423 428 178 But times are changing. So we find in many cases the Settlement courts have recorded daughters as *raiyats* in agricultural lands, and provided them with a life-tenure; and reformist Santal associations are trying for the recognition of the rights of inheritance of married Santal girls.

736 671 423 422 But the lot of the widow in the Santal customary law is the hardest. She is not entitled to any land, although she may own personal property, either in her father's home or in her husband's.

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they are touching the blue eggs of the *jihu* bird. The Hāsdāk' do not even touch a goose, and they will not take water from a tank in which geese or ducks are swimming at the time. Binu used to say that he had to perform four different sub-clan sacrifices. To two of the spirits pigs were sacrificed in the cowshed at the time of the *Sohrae*, to another spirit they sacrificed a goat in the house at the end of the *Sohrae*, and to the fourth they sacrificed a ram on the open land outside the village at the time of the Spring festival. The Kaṛwar Hāsdāk' tell the story of how long ago their ancestors were celebrating the *Jom Sim* festival and all the Hāsdāk' were present. They had performed the sacrifices and everyone had been served with rice and meat, but some of the younger folk present felt that they had not been given enough to eat, so they killed a buffalo and served that as well. The family of the one who slew the buffalo, or *kaḍa*, became known as Kaṛwar Hāsdāk'. They sacrifice a pig, a white hen and a brown hen at the time of the *Sohrae*; the rite is performed inside the house at sunset, and they must finish eating the flesh during the night, burying whatever is left over in the dung heap. The Hatibaṛi[1] Hāsdāk' sacrifice either a white hen or a ram to their sub-clan spirit. This should be done out in the open beside a white ant hill, but, like some others, they now bring a piece of earth from the ant hill into their cowshed. Like the Nij Maṛndi, of whom this is also true, they may not be vaccinated, but their womenfolk may be tattooed.

The Jihu Hāsdāk' are not allowed to brand their cattle. There seems little reason to doubt the fact that most of the clans use distinctive marks in branding their cattle. Bodding has affirmed of the *dhera dag*, or cross, that although it is used as a mark of ownership of cattle "it is not restricted to any sept or sub-sept".[2] (The word "clan" has been adopted in this book in preference to "sept".) In the Bankura district, however, many of the branding marks are definitely associated with the clans, and the marks correspond to those recorded by Charulal Mukherjea in Mayurbhanj.[3] The marks printed on the opposite page have been noticed in Bankura.

The Guą or Betel nut Hembrom constitute one of the most numerous of the Hembrom sub-clans. Of them it is said that "a few days after the ancestors had been divided into clans, one of the Hembrom was born at the foot of a betel nut tree. When he

[1] Literally "elephant house", but the name may refer to a locality.
[2] *Santali Dictionary*, Vol. II, p. 171.
[3] Charulal Mukherjea, *The Santals*, p. 77.

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grew to manhood he became a very important person and his sons were known as Guạ Hembrom. From that time they gave up the chewing of the betel nut. The women may wear any kind of *sari* and they may wear shell bracelets. They do not eat eels. It is said that their ancestors were great traders, and once upon a time when they were going on a trading expedition they were halted by a flooded river. At that an eel ferried them over the river on his back, and since then the Guạ Hembrom will not eat eels. They sacrifice pigs at the *Sohrae*, also one white and one brown hen." Another member of this sub-clan was able to throw further light on the origin of the name: "We are Guạ Hembrom, and this is how we got our name. During the first wanderings, one day while the ancestors were out in the forest a child was born at the roadside. They wondered what they could find to tie

Rot Mạrndi - //

Hembrom - +

Nij Murmu - ⊻

Ṭika Murmu - ||

Sidup' Soren - ≀

round the waist of the new-born child in place of the string. It was growing dark, so they quickly cut down the stem of a creeper, not knowing what it was, and bound it round his waist. Next morning they say that there was a betel nut on the end of the stem, and so the Guạ Hembrom began." The Nij Hembrom, like others already noted, perform their sub-clan sacrifices in the cowshed at the time of the *Sohrae*, with a piece of earth from a white-ant hill for the altar. It is set up in one of the corners. Another of their sacrifices is performed in the same month and has certain unusual features. No preparations may be made until after the sun has set and all the participants have already taken their usual evening meal, including the one who will perform the sacrifice. The rite is performed outside the village on a site that has been smoothed and plastered with cowdung. The person officiating draws a circle on the site with a paste made from flour and water. In it he first offers a red hen